

# PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:  
**IMAI, JEFFREY T.**  
 Magna International Inc.  
 337 Magna Drive  
 AURORA, Ontario  
 Canada, L4G 7K1

## PCT

### WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing (date/month/year)      02 February 2005 (02-02-2005)

Applicant's or agent's file reference  
**703373PCT**

**FOR FURTHER ACTION**  
 See paragraph 2 below

International application n<sup>o</sup>  
**PCT/CA2004/001642**

International filing date (date/month/year)  
 20 September 2004 (20-09-2004)

Priority date (date/month/year)  
 18 September 2003 (18-09-2003)

International Patent Classification (IPC) or both national classification and IPC

Applicant    **LITENS AUTOMOTIVE PARTNERSHIP ET AL**

1. This opinion contains indications relating to the following items :

- |                                     |              |                                                                                                                                                                      |
|-------------------------------------|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the opinion                                                                                                                                                 |
| <input type="checkbox"/>            | Box No. II   | Priority                                                                                                                                                             |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability                                                                     |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention                                                                                                                                           |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited                                                                                                                                              |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application                                                                                                                     |
| <input checked="" type="checkbox"/> | Box No. VIII | Certain observations on the international application                                                                                                                |

#### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/  
 Commissioner of Patents  
 Canadian Patent Office  
 Box PCT, Ottawa/Gatineau K1A 0C9

Authorized officer

B.A. Dmochowski (819) 997-2798

Facsimile No. (819) 953-9538

Rest Available Copy

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/CA2004/001642

10/571737

Box No. I

Basis of this opinion

IAPOR Received PCTO 14 MAR 2006

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language which it was filed, unless otherwise indicated under this item.

- ☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of :

a. type of material

- ☐ a sequence listing  
☐ table(s) related to the sequence listing

b. format of material

- ☐ in written format  
☐ in computer readable form

c. time of filing/furnishing

- ☐ contained in the international application as filed.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments :

Best Available Copy

**Box No. V reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Claims	3, 5, 8 to 10, 13 to 22	YES
	Claims	1, 2, 4, 6	NO
Inventive step (IS)	Claims	3, 5, 8 to 10, 13 to 22	YES
	Claims	7, 11, 12	NO
Industrial applicability (IA)	Claims	1 to 22	YES
	Claims		NO

**2. Citations and explanations :**

Claims 1, 2, 4 and 6 lack novelty under the PCT Article 33(2).

The Canadian Patent Application 2,401,806 to Bogelein et al, discloses a rotary component comprising a rotor 15 having a plurality of teeth 17, 19 arranged around the perimeter of the rotor, each tooth has a crown and each pair of teeth has a valley therebetween. The teeth are lying on a curved envelope forming the perimeter of the rotor. The perimeter has a non-circular profile. The distance between the midpoints of the crowns is substantially the same and the distance between the midpoint of each crown and the axes of the rotor varies around the perimeter and produces the required non-circular profile including an oval profile.

Claims 7, 11 and 12 lack inventive step as required under the PCT Article 33(3) as being obvious.

Claim 7 is obvious with regard to Bogelein et al and to Ishikawa et al ( USP 4,974,470 ). Ishikawa et al show in fig. 9, a non-circular profile with three protruding portions arranged regularly around the rotor.

Claims 11 and 12 are obvious with regard to Bogelein et al and to Matsuda ( USP 4,756,203). Matsuda illustrates in fig. 1 that providing non-circular profiles on two different rotors is known in the art.

Best Available Copy

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/CA2004/001642

**Box No. VIII**

**Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made :

Claim 20 does not comply with the PCT Rule 6, as the dependency is unclear.

Best Available Copy